

WRIGHT, FINLAY & ZAK, LLP

Edgar C. Smith, Esq.
Nevada Bar No. 5506
Rock K. Jung, Esq.
Nevada Bar No. 10906
7785 W. Sahara Avenue, Suite 200
Las Vegas, NV 89117
(702) 475-7964; Fax: (702) 946-1345
esmith@wrightlegal.net
rjung@wrightlegal.net
*Attorneys for Plaintiff, U.S. Bank Trust, N.A.,
as Trustee for LSF9 Master Participation Trust*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

U.S. BANK TRUST, N.A., AS TRUSTEE
FOR LSF9 MASTER PARTICIPATION
TRUST,

Plaintiff,

vs.

LN MANAGEMENT, LLC SERIES 4004
CAPE SAND; LAS HADAS HOMEOWNERS'
ASSOCIATION

Defendants.

Case No.: 2:17-cv-01109-RFB-CWH

**STIPULATION AND ORDER TO
EXTEND DISCOVERY AND TO
EXTEND DISPOSITIVE MOTION
DEADLINE**

(FIRST REQUEST)

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Pursuant to Local Rules 6-1 and 7-1, Plaintiff, U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust (hereinafter “U.S. Bank” or “Plaintiff”) and Defendant, LN Management, LLC Series 4004 Cape Sand (“LN Management” or “Defendant”) by and through their respective attorneys of record, file this joint stipulation and request the court to extend the close of discovery by one hundred twenty (120) days and to extend the dispositive motion deadlines and joint pretrial order deadlines accordingly. This is the parties’ first request for an extension of all the current discovery deadlines.

I. INTRODUCTION

This dispute involves an HOA foreclosure sale conducted by Defendant Las Hadas Homeowners’ Association. Plaintiff U.S. Bank Trust, N.A., as Trustee for LSF9 Master Participation Trust (“U.S. Bank”) seeks to quiet title as to the foreclosed property and seeks other related relief pertaining to the sale of the property. The primary issue is whether U.S. Bank’s deed of trust survived the foreclosure sale.

II. STATEMENT SPECIFYING THE DISCOVERY COMPLETED.

On September 6, 2017, the court entered a Scheduling Order ECF No. 18 and set the following deadlines:

Discovery cut-off	February 12, 2018
Amend pleadings and add parties	November 15, 2017
Expert disclosures	December 14, 2017
Rebuttal expert disclosures	January 15, 2018
Dispositive Motions	March 14, 2018
Pretrial order	April 13, 2018

On December 15, 2017, the court approved the parties Stipulation to Extend the deadline for amending pleadings and add parties, and set the new deadline as January 14, 2018.

The following discovery has already been completed:

1. U.S. Bank served its initial disclosures on Defendant LN Management, LLC Series 4004 Cape Sand on September 1, 2017,

2. U.S. Bank served its Initial Expert Disclosure on November 2, 2017
3. U.S. Bank propounded written discovery, consisting of First Set of Interrogatories, First Set of Requests for Admissions and First Request for Production of Documents, to Defendant LN Management, LLC Series 4004 Cape Sand on December 11, 2017.
4. Defendant LN Management, LLC Series 4004 Cape Sand responded to U.S. Bank's First Set of Requests for Admissions on December 7, 2017.
5. Defendant LN Management, LLC Series 4004 Cape Sand responded to U.S. Bank's First Set of Interrogatories and First Set of Requests for Production on January 22, 2018.
6. U.S. Bank served its First Supplemental Disclosures on February 7, 2018.

III. SPECIFIC DESCRIPTION OF THE DISCOVERY THAT HAS NOT BEEN COMPLETED.

The following discovery has not been completed:

1. Defendant LN Management, LLC Series 4004 Cape Sand has not served its initial disclosures.
2. Defendant LN Management, LLC Series 4004 Cape Sand has not propounded written discovery on U.S. Bank.
3. No depositions of any of the parties' 30(b)(6) witnesses or any the deposition of any other witness have been conducted, other than the deposition of LN Management, LLC Series 4004 Cape Sand's designated 30(b)(6) witness. U.S. Bank did Subpoena the HOA, Las Hadas Homeowners' Association for deposition to be held February 8, 2018 at 2:00 p.m. However their forthcoming counsel requested that the deposition be vacated until she is officially retained and makes an appearance. Further, U.S. Bank subpoenaed the HOA Trustee, Alessi & Koenig, LLC for deposition to be held on February 9, 2018 at 2:00 p.m., but the deponent did not appear. Accordingly, this deposition also needs to be rescheduled.

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2 **IV. REASON WHY EXTENSION IS REQUIRED.**

3 Discovery closes on February 12, 2018. However, with the addition of Las Hadas
4 Homeowners' Association via the First Amended Complaint filed on January 31, 2018, this new
5 party has not had an opportunity to conduct any discovery, including initial disclosures, take
6 depositions or written discovery and has not yet even made an appearance in this matter.

7 In addition, the other parties have not had an opportunity to conduct any discovery as it
8 pertains to HOA, as a new party in this case. The extension requested will also provide the
9 parties additional time to conduct any follow-up discovery that may be required after reviewing
10 HOA's initial disclosures, or after HOA reviews the discovery already conducted by the other
11 parties. As new incoming parties to this litigation, there is good cause to extend the discovery
12 deadlines so that they may have an opportunity to conduct meaningful discovery.

13 **V. PROPOSED SCHEDULE FOR COMPLETING ALL REMAINING**
14 **DISCOVERY.**
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16 The parties agree that discovery will be extended one hundred twenty (120) days, and the
17 scheduling order deadlines will be extended to the following:

18	Discovery cut-off	June 12, 2018
19	Amend pleadings and add parties	April 13, 2018
20	Expert disclosures	April 13, 2018
21	Rebuttal expert disclosures	May 14, 2018
22	Dispositive Motions	July 12, 2018
23	Pretrial Order	August 10, 2018

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IT IS SO STIPULATED.

DATED this 9th day of February, 2018.

WRIGHT, FINLAY & ZAK, LLP

/s/ Rock K. Jung, Esq.
Rock K. Jung, Esq.
Nevada Bar No. 10906
7785 W. Sahara Ave, Suite 200
Las Vegas, NV 89117
rjung@wrightlegal.net
*Attorneys for Plaintiff, U.S. Bank Trust,
N.A., as Trustee for LSF9 Master
Participation Trust*

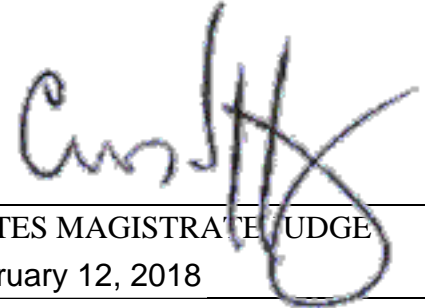
DATED this 9th day of February, 2018.

**LAW OFFICE OF KERRY P.
FAUGHNAN**

/s/ Kerry P. Faughnan, Esq.
Kerry P. Faughnan, Esq.
Nevada Bar No. 12204
P.O. Box 335361
North Las Vegas, NV 89033
Kerry.faughnan@gmail.com
*Attorneys for Plaintiff, U.S. Bank, N.A., as
Trustee for the Certificateholders of Banc of
America Funding Corporation Mortgage Pass-
Through Certificates, Series 2006-1*

ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE
DATED: February 12, 2018

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of WRIGHT, FINLAY & ZAK, LLP; that electronic service of the foregoing **STIPULATION AND ORDER TO EXTEND DISCOVERY AND TO EXTEND DISPOSITIVE MOTION DEADLINE (FIRST REQUEST)** was made on the 9th day of February, 2018, to all parties and counsel as identified on the Court-generated Notice of Electronic Filing.

/s/ Kelli Wightman
An Employee of WRIGHT, FINLAY & ZAK,